

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PERCY GREEN, II,

Plaintiff,

v.

STATE OF MISSOURI, OPERATING AS
THE ST. LOUIS, MISSOURI POLICE
DEPARTMENT, et al.,

Defendants.

Case No. 4:06CV1667 RWS

**SUGGESTIONS IN SUPPORT OF DEFENDANTS THE SPECIAL ADMINISTRATIVE
BOARD OF ST. LOUIS PUBLIC SCHOOLS, CHARLES McCRARY AND KESTNER
MILLER'S MOTION FOR COSTS**

COMES NOW Defendants The Special Administrative Board of St. Louis Public Schools, Charles McCrary and Kestner Miller ("Defendants"), as a prevailing party in the above-captioned case, and file their Suggestions in Support of Defendants' Motion for Costs. Defendants' itemized Bill of Costs has been filed with the Clerk of this Court.

I. DISCUSSION

Defendants request that costs be taxed against Plaintiff Percy Green ("Plaintiff") pursuant to this Court's Order, dated January 14, 2011, ordering Plaintiff to bear all the taxable costs in this action, and 28 U.S.C. §§ 1821 and 1920; Fed. R. Civ. P. 54(d); Local Rule 8.03; and 42 U.S.C. § 2000-e et seq., in the amount of \$624.05. The following suggestions and citations to legal authority provide a factual basis for, and support of, the Defendants' position that the requested costs are taxable.

A. Costs Incident to the Taking of Depositions

It is well established that the cost of taking depositions will be taxed in favor of the prevailing party if the taking of the deposition was “reasonably necessary.” *See Meder v. Everest & Jennings, Inc.*, 553 F. Supp. 149 at *3 (E.D. Mo. 1982). This Court has also consistently recognized that copies of deposition transcripts are necessary to trial preparation and are taxable as costs. *See Meder*, 553 F. Supp. 149 at *3; *Morrissey v. County Tower Corp.*, 568 F. Supp. 980, 982-83 (E.D. Mo. 1983). The deposition transcript copies of Plaintiff Percy Green, Robert Reinhold, John Bouhasin and David Miller were obtained in the instant case and were reasonably necessary for trial preparation; preparing Defendants’ Motion for Summary Judgment, which ultimately disposed of this case; preparing to rebut Plaintiff’s anticipated arguments; anticipating impeachment attempts; and preparing for the possible introduction of testimony into evidence. . *See Affidavit of Thomas L. Caradonna (“Caradonna Affidavit”)* at ¶¶ 4 and 5, attached hereto as Exhibit 1. Based upon the foregoing, total costs associated with the deposition transcripts and copies thereof in the amount of \$624.05 should be taxed against Plaintiff. *Id.* at ¶ 6.

II. CONCLUSION

Based upon the foregoing, Defendants are entitled to costs in the amount of \$624.05 as set out specifically in the itemized Bill of Costs and attached affidavit. *See Caradonna Affidavit* at ¶ 7.

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

/s/ Thomas L. Caradonna

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Schools, Charles McCrary and Kestner
Miller*

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2011, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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/s/ Thomas L. Caradonna